

United States District Court
Southern District of New York

Tiquan Davis,

Plaintiff,

- against -

Correction Officer Angela Jackson,
et al,

Defendants

Reply to Summary
Judgment
15-cv-5359 (KMK)

I Tiquan Davis am the plaintiff in this matter, and I am making this
Reply including a declaration in support of this reply, to the
defendants request for Summary Judgment on the following:

1. Plaintiff unequivocally followed all the steps needed to satisfy
the exhaustion requirements of the PLRA. See Exhibit (A)

Argument

The failures of the IGRC's representatives to
file plaintiff's grievances and appeals, is
an extraordinary Circumstance the warrants the denial
of defendants request for Summary Judgment.

Plaintiff followed all the requirements needed to satisfy
the exhaustion prongs of the PLRA. See exhibit (A). The fact
there is no record on file is not due to the plaintiff not

Filing his grievances or appeals, and he should not be faulted because of such.

Wherefore, it is respectfully requested that the defendants request for summary judgment be denied.

Respectfully
T.W.S.

CC:File

NYS Att Gen.

Dated 5-9-18

United States District Court
Southern District of New York

Tiquan Davis,

Plaintiff,

against

Correction Officer Angela Jackson,
et al,

Defendants

Declaration in Support
of Reply

15-CV-5359 (KMK)

Pro se
Exhibit (A)

I Tiquan Davis am the plaintiff in this matter and make this declaration pursuant to 28 USC 1746 to the following:

1. I fully exhausted my grievances on both Grant and Paroline

2. Grant.

On October 31, 2015 I wrote an harassment/retaliation grievance. I gave this grievance to the B-block IGRC rep to file. After about 3 weeks I asked this same rep did he file my grievance because I have not heard anything back. He said he did get it filed and that he would check with the IGP Supervisor about the status of it. About a week later I asked this same rep did he check with the IGP, because I still have not heard anything regarding my grievance, he said he did, and that the IGP said they would get back to him but never did. He then suggested that I appeal it to CORC because the grievance was a code 49

and would have went straight to the Superintendent.

I wrote my appeal that night, explaining that I have not heard anything in a timely manner as per Dir 4040, I included my copy of my original complaint dated 10-31-15, and gave it to the IGRC rep the next morning. When I saw him later that night I asked him did he file my appeal, he said he gave it to the clerk to file as soon as he got there. I still have not heard anything regarding my grievance.

3. Not Guilty

I was found not guilty of direct order or harrassment at the hearing held for the ticket written by Grant on 10-31-15.

4. Paroline

After I received my response from the Superintendent of my Paroline grievance, I wrote my appeal out for CORC. This time I was personally able to hand my appeal to the grievance Sgt. who told me that they would make sure my appeal got filed. I still have not heard from CORC.

5. Problems with IGRC

Between 2014 until the present there have been numerous complaints made by the ILC to the administration about the IGRC's failure to hold timely hearing, lose and not file appeals especially those made against corrections staff. These complaints caused the director of CORC to physically

Come to this facility to investigate.

6. Although it is not a requirement to make copies, I did! I just can't find them to save my life!!! I don't know if I threw them out by accident or they got lost when the C.O. packed my cell when I went to IPC in June 2016 or what? I do know that I did follow the steps of the P.R.A. to the best of my ability.. I used to be a grievance rep myself, plus I was fully aware that in order to exhaust my claims I had to follow thru all the way to CORC. However, in doing such I had to rely on the IGRC to carry out their functions which they clearly did not do, and I should not be penalized for it!!!

Respectfully
Tiquen Davis AKA
Terrell J. Davis-Bey
T.D.

CC: File
MYS Att Gen

Dated: 5-9-18

Declaration of Service

Tigvan Davis AKA Terell J. Davis-Bey, declares pursuant to 28 USC 1746 that I placed within the U.S. mail box here at Sing Sing Correctional 5-10-18, 2 Copies of my Reply to the Defendants Request for Summary Judgment, 15-cv-5359 (KMK) 1. To be sent to the Clerk of the Court of the SDNY 500 pearl st. N.Y. N.Y. 10007 and 1 copy to the NYS Attorney General, N.Y. N.Y.

Tigvan Davis AKA Terell J.
Davis-Bey
T.D.S.
Pro se

5-10-18

SING SING CORRECTIONAL FACILITY
354 HUNTER STREET
OSSINING, NEW YORK 10562

NAME: T. Davis DIN: 95A0305

WESTCHESTER
NY 105
11 MAY '18
PM 2:11



Pro Se

CLERK'S OFFICE
S.D.N.Y.

2018 MAY 14 PM 4:11

Clerk of the Court

Pro se unit

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